

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

RONALD EUGENE JAMES,

Petitioner,

v.

PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

No. 2:21-CV-1005-TLN-DMC-P

FINDINGS AND RECOMMENDATIONS

Petitioner, a pre-trial detainee proceeding pro se, brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Pending before the Court is Petitioner's amended petition for a writ of habeas corpus, ECF No. 15, filed as of right and which supersedes the amended petition at ECF No. 14.

Rule 4 of the Federal Rules Governing Section 2254 Cases provides for summary dismissal of a habeas petition "[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court." In the instant case, it is plain that Petitioner is not entitled to federal habeas relief.

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1 Petitioner makes clear that he is a pre-trial detainee awaiting a trial in state court
2 on criminal charges. See ECF No. 15, pg. 2. Petitioner appears to be raising various
3 constitutional claims relating to his arrest and the resulting underlying criminal prosecution.
4 Principles of comity and federalism require that this Court abstain and not entertain Petitioner's
5 pre-conviction habeas challenge unless he shows that: (1) he has exhausted available state
6 judicial remedies, and (2) "special circumstances" warrant federal intervention. See Carden v.
7 Montana, 626 F.2d 82, 83-84 (9th Cir.1980). Only in cases of proven harassment or prosecutions
8 undertaken by state officials in bad faith without hope of obtaining a valid conviction and limited
9 other special circumstances where irreparable injury can be shown is federal injunctive relief
10 against pending state prosecutions appropriate. See id. at 84 (citing Perez v. Ledesma, 401 U.S.
11 82, 85 (1971)). In his amended petition, Petitioner makes no such showing of "special
12 circumstances" warranting federal intervention before the trial is held and any appeal is
13 completed. See id.

14 Accordingly, this Court should abstain and dismiss this action without prejudice.
15 The alleged problems that Petitioner claims he is enduring are matters that can and should be
16 addressed in the first instance by the trial court, and then by the state appellate courts, before he
17 seeks a federal writ of habeas corpus.

18 Based on the foregoing, the undersigned recommends that Petitioner's amended
19 petition for a writ of habeas corpus, ECF No. 15, be summarily dismissed.

20 These findings and recommendations are submitted to the United States District
21 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days
22 after being served with these findings and recommendations, any party may file written
23 objections with the court. Responses to objections shall be filed within 14 days after service of
24 objections. Failure to file objections within the specified time may waive the right to appeal. See
25 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

26 Dated: August 27, 2021



DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE